

## ATTACHMENT A

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

### ORDINANCE G-

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-74-21-2) FROM C-2 M-R NBCOD (INTERMEDIATE COMMERCIAL, MID-RISE, NORTH BLACK CANYON OVERLAY DISTRICT) TO C-2 HGT/WVR DNS/WVR NBCOD (INTERMEDIATE COMMERCIAL, HEIGHT WAIVER, DENSITY WAIVER, NORTH BLACK CANYON OVERLAY DISTRICT).

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of an approximately 18.81-acre site located at the northwest corner of the 29th Avenue and Bronco Butte Trail alignments in a portion of Section 14, Township 5 North, Range 2 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 M-R NBCOD" (Intermediate Commercial, Mid-Rise, North Black Canyon Overlay District), to "C-2 HGT/WVR DNS/WVR NBCOD" (Intermediate Commercial, Height Waiver, Density Waiver, North Black Canyon Overlay District).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations, violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. The development shall utilize the R-5 Planned Residential Development option.
2. The development shall be limited to a maximum of 560 dwelling units.
3. A minimum of 10 percent of the gross site area shall be retained as open space.
4. A development shall provide a minimum landscape setback of 10 feet between the shared use path (SUP) along Skunk Creek Wash and any fencing or buildings on the west side of the site, as approved by the Planning and Development Department.
5. A minimum of eight amenities shall be provided and dispersed throughout the development, as approved by the Planning and Development Department.
6. Surface parking shall be located a minimum of 50 feet from the western limits of the development along Skunk Creek Wash, as approved by the Planning and Development Department.
7. All building elevations shall contain architectural embellishments and detailing such as textural changes, pilasters, offsets, recesses, window fenestration, shadowboxes, and/or overhang canopies, as approved by the Planning and Development Department.
8. All building and wall colors and materials shall be in compliance with the North Black Canyon Overlay District with specific regard to colors being muted and blending with, rather than contrasting strongly, with the surrounding desert environment, as approved by the Planning and Development Department.
9. A minimum 10-foot-wide shared use path (SUP) shall be constructed within a 25-foot-wide public trail easement (PTE) along the east side of Skunk Creek Wash on this site or the adjacent FH property per Section 429 of the City of

Phoenix MAG Supplement, as approved by the Planning and Development Department.

10. Pedestrian pathways, including public sidewalks and excluding the shared use path along Skunk Creek Wash, shall be shaded a minimum of 75 percent by a structure and/or trees at maturity, as approved by the Planning and Development Department.
11. Where pedestrian pathways cross drive aisles, the pathways shall be constructed of decorative pavers, stamped or colored concrete, or another material, other than those used to pave parking surfaces and drive aisles, as approved by the Planning and Development Department.
12. Pedestrian pathways shall be provided to connect building entrances, public sidewalks, and amenity areas, using the most direct route for pedestrians, as approved by the Planning and Development Department.
13. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area between the back of curb and sidewalk along 29th Avenue and planted to the following standards, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper shade trees planted 20 feet on center or in equivalent groupings.
  - b. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
14. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, a minimum of 28 inverted U-bicycle racks shall be provided for guests located near the clubhouse or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
15. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. The developer shall be responsible for traffic signal funding and/or escrow contribution as determined by the approved Traffic Impact Study.
16. The developer shall dedicate and construct right-of-way to connect to two separate existing public streets, as approved by the Street Transportation Department.

17. The developer shall dedicate and construct the west half of 29th Avenue, as required by the approved Traffic Impact Study and as approved by the Street Transportation Department.
18. The developer shall provide traffic signal conduit and junction boxes at the northwest corner of 29th Avenue and Bronco Butte Trail and deposit a 25% escrow contribution for the future traffic signal prior to final site plan approval, as approved by the Street Transportation Department.
19. The developer shall provide site access to the future identified signalized intersection of 29th Avenue and Bronco Butte Trail. A cross access easement shall be provided to APN 204-11-002M for joint use of the signalized intersection. Connection shall be reviewed and approved by the Street Transportation Department prior to preliminary site plan approval.
20. All access control placement and spacing shall be in compliance with the Street Planning and Design Guidelines and shall coordinate to align with accesses on the east side of 29th Avenue, as approved by the Street Transportation Department.
21. The developer shall provide a minimum of three shaded pedestrian connections from the development to the shared-use path along the east side of Skunk Creek Wash, as approved by the Planning and Development Department.
22. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
23. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
25. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of March, 2022.

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MAYOR

ATTEST:

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Denise Archibald, City Clerk

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:

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REVIEWED BY:

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Jeffrey Barton, City Manager

Exhibits:  
A – Legal Description (2 Pages)  
B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-74-21-2

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA & SALT RIVER MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 14 (REBAR WITH CAP RLS 21081) FROM WHICH POINT THE EAST QUARTER CORNER THEREOF (MCDOT BRASS CAP RLS 29891 2001) BEARS N89°32'56"E A DISTANCE OF 2639.42 FEET;

THENCE N89°32'56"E, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 301.40 FEET TO THE POINT OF BEGINNING;

THENCE ACROSS SAID NORTHEAST QUARTER THE FOLLOWING TWELVE (12) COURSES AND DISTANCES:

- 1) N6°27'00"E A DISTANCE OF 118.59 FEET;
- 2) N23°24'40"E A DISTANCE OF 152.38 FEET;
- 3) N26°54'58"E A DISTANCE OF 132.34 FEET;
- 4) N16°51'03"E A DISTANCE OF 126.06 FEET;
- 5) N17°31'05"E A DISTANCE OF 3.93 FEET;
- 6) N26°11'47"E A DISTANCE OF 188.59 FEET;
- 7) N25°14'28"E A DISTANCE OF 97.90 FEET;
- 8) N28°35'55"E A DISTANCE OF 116.75 FEET;
- 9) N22°21'58"E A DISTANCE OF 85.73 FEET;
- 10) N35°47'19"E A DISTANCE OF 68.99 FEET;
- 11) N89°30'23"E A DISTANCE OF 586.64 FEET;
- 12) S0°21'50"E A DISTANCE OF 992.64 FEET TO A POINT ON SAID SOUTH LINE OF THE NORTHEAST QUARTER;

THENCE S89°32'56"W, ALONG SAID SOUTH LINE, A DISTANCE OF 1018.31 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 18.9241 ACRES OF LAND (824,332.43 S.F.), MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS S89°32'56"W FOR THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 2 EAST OF THE GILA & SALT RIVER MERIDIAN, CITY OF PHOENIX, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN ALTA SURVEY PRODUCED BY HILGART WILSON AND SIGNED AND SEALED BY JAMES B. RICHARDS (RLS 40916) ON JULY 15, 2021.

THIS LEGAL DESCRIPTION IS BASED ON THE ABOVE-NOTED ALTA SURVEY AND DOES NOT CONSTITUTE A BOUNDARY SURVEY PERFORMED BY RITTOCH-POWELL & ASSOCIATES.

# ORDINANCE LOCATION MAP

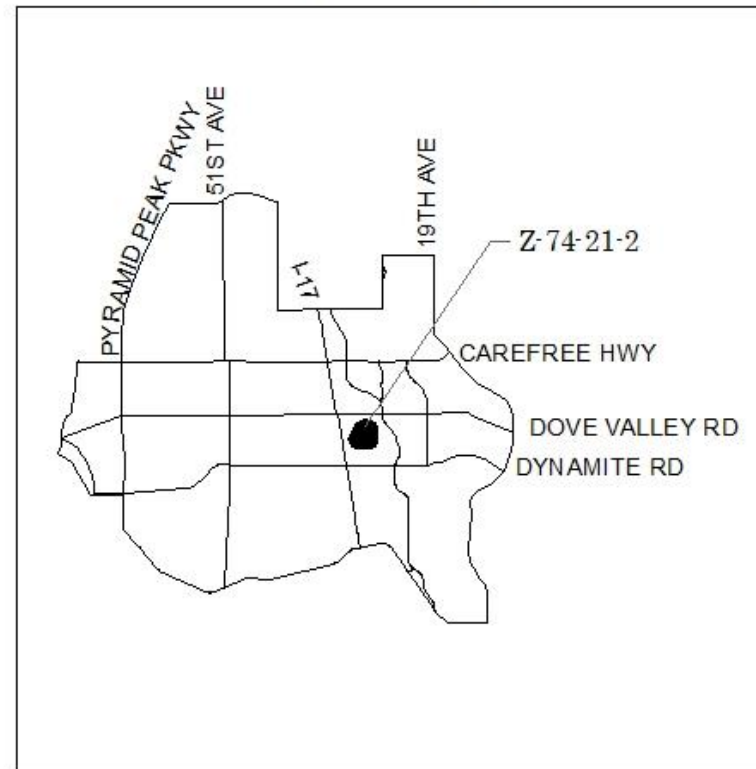
EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -

Zoning Case Number: Z-74-21-2  
Zoning Overlay: North Black Canyon Corridor  
Plan and Overlay District  
Planning Village: North Gateway



0 470 940 1,880 Feet



NOT TO SCALE



Drawn Date: 2/1/2022